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Via email only

4 December 2021

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RE: Draft Programmatic Environmental Assessment and Proposed Finding of No Significant Impact for Integrated, Adaptive Management of the Common Raven on Department of Defense Lands in the California Desert

Dear Mr. Martinez,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote the conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

We appreciate being contacted directly by the Marine Air Ground Task Force Training Command (MAGTFTC) regarding the availability of the subject documents for public comment. In addition, we appreciate this opportunity to provide comments on the above-referenced project. The Proposed Action would occur in habitats occupied by the Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise) in California. Consequently, our comments pertain to enhancing protection of this species during activities authorized, funded, or carried out by the MAGTFTC and the cooperating agencies and partners. We ask that our comments be added to the Decision Record. Please accept, carefully review, and include in the relevant project file the following comments and attachments for the proposed project from the Council.

The purposes of our comments are (1) to support the Proposed Action; (2) to encourage expansion and implementation of the Proposed Action in other areas of the California desert by other federal, State, and local agencies/installations; and (3) to ensure that the Final Programmatic Environmental Assessment (PEA) and Finding of No Significant Impact (FONSI) are legally sound documents that would withstand legal challenge.

Summary of Proposed Action

The Purpose of the Proposed Action is to better manage common raven (*Corvus corax*) populations at lands owned or used by the Department of Defense (DoD) in the California desert. "The Proposed Action is needed to mitigate the ecological, economic, and health and safety impacts of subsidy-elevated and increasing raven populations in the California desert, all of which hinder military readiness on DoD installations in the region."

To implement the Proposed Action, two alternatives were analyzed in the Draft Programmatic Environmental Assessment for Integrated, Adaptive Management of the Common Raven on Department of Defense Lands in the California Desert (Draft PEA) – the No-Action Alternative and the Proposed Action. Under the No Action Alternative, current raven management actions, primarily *ad hoc* and non-lethal, would continue to be conducted piecemeal at the identified DoD locations in the California desert. Under the Proposed Action, the DoD installations would move toward a more effective, integrated raven management approach on lands owned or used by these DoD installations in the California desert.

The Proposed Action consists of two parts: (1) the management of common ravens on DoD lands in the California desert [i.e., Marine Corps Air Ground Combat Center (MCAGCC), Edwards Air Force Base, Fort Irwin National Training Center, Naval Air Weapons Station - China Lake, Marine Corps Logistics Base – Barstow, and Chocolate Mountain Aerial Gunnery Range] and some non-DoD lands that are used by DoD agencies; and, (2) MAGTFTC implementing discretionary mitigation to advance tortoise recovery on non-DoD lands in the western Mojave Desert.

For part one, raven management actions would include non-lethal and lethal methods (e.g., reduction of food and water subsidies; education and outreach regarding ravens; removal of perching, roosting, and nesting sites; hazing and other active deterrents; exclusion structures; effigies; trapping for relocation and/or scientific study; removal of inactive nests; conditioned taste aversion; egg oiling; shooting; trapping for euthanasia; egg/nest destruction; and poisoning). Adjustments in management strategy would be made based on changing numbers of ravens and effectiveness of efforts in achieving the Purpose and Need. Assuming use of poisoned chicken eggs, please be sure to use methods like those employed in the late 1980's, when MCAGCC placed the eggs on elevated platforms and covered them with hardware cloth. They also enlisted Marine Corps personnel to both monitor egg consumption by ravens (not by non-targeted species, such as greater roadrunner) and to subsequently remove poisoned ravens.

For implementing part two, MAGTFTC would contribute funds, under the auspices of the Recovery and Sustainment Partnership (RASP) Initiative, to implement desert tortoise recovery on federal and/or non-federal lands outside the MCAGCC, in the western Mojave Desert. This discretionary mitigation is proposed to resolve, in part, the non-raven stressors affecting the desert tortoise because addressing the raven stressor alone would not resolve desert tortoise decline if other stressors are left unmitigated. Suggested mitigation includes the following types of recovery actions: highway exclusion fencing, closure of unauthorized routes and habitat restoration, population augmentation and head starting, recovery coordination and enforcement, permanent habitat protection, effectiveness monitoring, objective monitoring, and range-wide monitoring.

Comments on the Draft PEA for Integrated, Adaptive Management of the Common Raven on Department of Defense Lands in the California Desert

In the Purpose and Need section, the term "overpopulation" of ravens is first used in Section 1.2 but not explained until section 1.3.2. We suggest referencing Section 1.3.2 in Section 1.2 next to the term's first use in the Final PEA.

In Section 2.1.1.7, "Proposed Action and Alternatives, Non-lethal Management Actions, Trapping for Relocation and/or Scientific Study:" Trapping for relocation is presented as a viable management action for the management of common ravens. However, trapping for relocation was considered but dismissed in the 2008 Final EA (USFWS et al. 2008) for several reasons [concerns about transmitting diseases (e.g., West Nile virus, etc.), raven numbers were very high and increasing elsewhere in almost all of California, and transferring a predation problem from one location to another (e.g., ravens are preying on other listed/special status species including marbled murrelet – *Brachyramphus marmoratu* and greater sage-grouse – *Centrocercus urophasianus*)]. After consulting with California Department of Fish and Wildlife (CDFW), they would not permit the release of ravens at other locations in California because of these concerns. The Draft PEA summarizes these disadvantages but still includes trapping for relocation as a management action. We argue that trapping ravens for relocation is not a viable management action and should be an alternative that is considered but dismissed.

If the Final PEA retains trapping ravens for relocation as a management action, the project/action area should identify these possible/likely areas where ravens would be relocated and include them in the description/analysis in the "Affected Environment and Environmental Consequences" chapter.

In addition, mitochondrial DNA analysis of common ravens (Fleischer et al. 2008) indicates that raven populations in the western Mojave Desert resulted from movements from southern California and the Central Valley, whereas ravens in the East Mojave Desert are more similar to ones from northern Nevada. Thus, the genetics of targeted ravens should be considered before identifying and releasing ravens from the California desert into other locations, although we strongly believe releasing ravens into new areas should be dismissed.

Section 2.3 "Description of the Proposed Action," contains the following information, "up to 11,830-13,293 ravens would initially be removed from the population on DoD lands in the California desert (population "reset"). Following initial raven removal, up to 1,477-1,715 ravens would be removed annually from DoD lands in the California desert to maintain ravens at sustainable population levels while reducing the ecological, economic, and health and safety impacts of the species." Would this initial removal be accomplished in one year? If not, the raven population numbers would not be reduced to the appropriate level and the annual removal numbers would need to be increased to maintain the reduced population density level. Please clarify that DoD's initial removal of ravens would occur in the first year and that all removals would be of adult birds.

Section 2.4.3 “Discretionary Mitigation – Recovery and Sustainment Partnership Initiative:” We strongly support the implementation of the mitigation described in the Draft PEA (as it addresses multiple stressors/threats to the tortoise). MAGTFTC under RASP would make monetary contributions to implement discretionary mitigation for the Mojave desert tortoise at off-base areas “to resolve, in part, the non-raven stressors affecting the desert tortoise because addressing the raven stressor alone would not resolve desert tortoise decline if other stressors are left unmitigated.” However, we question why the other DoD installations with tortoise populations and habitat in the western Mojave Desert are not participating in this effort to reverse the ongoing decline of the tortoise toward extinction. The Draft PEA succinctly provides data (Section 2.4.3.1 RASP Background) that show (1) the tortoise’s densities in the western Mojave Desert are below the viable population level and have experienced a long-term decline; and (2) the mandate of the federal Endangered Species Act (ESA) to all federal agencies to “halt and reverse the trend toward species extinction, whatever the cost…. Agencies [a]re directed … to use... all methods and procedures which are necessary to preserve endangered species…. [T]he legislative history … reveals [a] conscious decision by Congress to give endangered species priority over the primary missions of federal agencies. [Tennessee Valley Authority v. Hill et al., 437 U.S. 153, 184-185 (1978)].”

We strongly recommend that all other DoD agencies in the range of the Mojave desert tortoise in California join the MAGTFTC and implement actions, both on and off base, to comply with their obligations under the ESA and reverse the decline in tortoise densities in the western Mojave Desert through cooperative and integrated implementation. To achieve this, we request that the DoD installations that are not current RASP partners state in the Final PEA why they are not RASP partners. These current non-partners include Edwards Air Force Base, Marine Corps Logistics Base Barstow, Naval Air Weapons Station China Lake, and Chocolate Mountains Aerial Gunnery Range (administered by Marine Corps Air Station Yuma).

The Draft PEA contains the following, “To facilitate raven management by other non-federal entities on non-federal land, this PEA includes topics typically addressed under the California Environmental Quality Act (CEQA).” “[T]his PEA is the equivalent of an Initial Study.”

We support this concept and strongly recommend all appropriate agencies in the State of California (i.e., CDFW, California Public Utilities Commission, California Energy Commission) cooperate in completing an integrated CEQA analysis of the Proposed Action for implementation on non-DoD lands in the California desert. The status and trend of the tortoise in the California desert is of declining population numbers and densities with much of the area containing populations that are below the viability threshold. Implementation of an integrated methodology that crosses the authorities of many state and local agencies is needed if we are to prevent the extirpation of the tortoise in the California desert.

In section 2.4.3.2 “RASP Summary,” the types of recovery actions that may be implemented were listed. The Council suggests adding the removal of domesticated and feral animals, barrier maintenance, and compliance monitoring to the list of mitigation that MAGTFTC and other DoD agencies would implement in addition to raven management.

We remind the MAGTFTC, cooperating agencies, and other RASP partners that the effects of actions to reduce juvenile tortoise mortality, such as raven management, would not be apparent for >5 years (Reed et al. 2009), making evaluation of management effectiveness difficult unless there is a long-term commitment. Thus, DoD and other agencies should commit to long-term participation in raven management in the California desert.

In Section 3.1.2 "Affected Environment" under "Biological Resources," we found no description of listed or special status plant species occurring in the project/action area. For example, Lane Mountain milk-vetch (*Astragalus jeagerianus*) is listed as endangered under the ESA and occurs on Fort Irwin. Because it occurs in the project/action area, we request that the final PEA include information on its occurrence and what the environmental consequences would be from implementation of the Proposed Action [Removal of unnecessary man-made structures (e.g., fence posts and telephone poles) or modification of existing structures to discourage raven nesting or use in areas of concern; access to and setup for propane cannons, pyrotechnics, and traps; installation and maintenance of raven exclusion devices, etc.]. This request would apply to all special status plant species in the project/action area.

In this same section, we found information on abundance and population trend for the common raven and desert tortoises in the project/action area. However, we found no information on the abundance and population trend of other listed/special status species that may be impacted by implementation of the Proposed Action. This information is needed to adequately analyze the impacts of the Proposed Action to these species, as it provides the baseline for comparison of the human environment with and without the Proposed Action.

In Chapter 3, "Affected Environment and Environmental Consequences," on page 3-1, MAGTFTC says, "To the extent potential indirect effects were identified, they would be expressly discussed" for biological resources. NEPA's implementing regulations require an analysis of impacts that is more than a discussion of impacts. For example, in Section 3.1.3.2 for the common raven, the EA provides a succinct analysis of direct impacts of the Proposed Action to common ravens (see page 3-18). We were unable to find a similar analysis for the "desert tortoise," "other avian species," and "other wildlife species." We suggest the Final PEA be strengthened to include analyses of direct and indirect impacts to these resources.

We suggest that a table like Table 3-3 on the "Direct Impacts of Raven Management Actions on Biological Resources" be developed and included in the Final PEA for indirect impacts for the common raven, Mojave desert tortoise, other avian species, other wildlife species, and for special status plant species. This new table should include all beneficial and adverse indirect impacts from implementation of the raven management actions. The table would facilitate identification of all likely indirect impacts and subsequent description and analysis of each impact, including:

- increased vehicle use and parking in tortoise habitat to implement the raven management actions (e.g., increased likelihood of striking tortoises, etc.);
- use of pyrotechnics (increased likelihood of igniting fires, etc.); and
- surface disturbance from implementation of raven management actions (increased establishment of non-native invasive annual plant species with low nutritional value, increased fuel load, and increased competition with native plant species, etc.).

In addition, some raven management actions listed in Table 2-1 (e.g., use of traps, nets, etc.) may inadvertently trap tortoises. When these and other missing indirect impacts have been described and analyzed with respect to the common raven, desert tortoises, other avian species, other wildlife species, and special status plant species, appropriate mitigation measures should be identified and implemented to avoid/minimize these adverse impacts. Please provide this description and analysis in the Final PEA.

We do not recommend the use of pyrotechnics in the California desert. Historically, large wildfires did not occur in the Mojave and Colorado deserts because of the scarcity of ignition sources and the absence of fuels to carry fires. Consequently, most native plant species are not adapted to fire. However, with increased surface disturbance and vehicle transport of non-native invasive annual plant species, the fuel load to carry a fire has increased substantially in some areas, and the types of ignition sources (primarily man-caused) have greatly increased the threat of wildfires in the much of the California desert. If the use of pyrotechnics is carried forward in the Final PEA, the indirect impacts of its use on biological resources, including fire ignition, should be analyzed with respect to the raven, tortoise and tortoise habitat, other avian species/habitats, other wildlife species/habitats, and special status plant species/habitats.

We were unable to find an analysis of impacts to biological resources if up to 11,830-13,293 ravens were killed and not retrieved. Leaving many dead or wounded ravens in the California desert would likely be another human subsidized food source for any predator of the Mojave desert tortoise, other avian species, and other wildlife species. This situation would be an adverse impact and should be described and analyzed in the PEA with mitigation implemented to avoid/minimize these adverse impacts to the tortoise, other avian species, and other wildlife species.

Section 5.2 “Discretionary Monitoring:” The following language is used in the Draft PEA: “If adopted, DoD installations would conduct USFWS’s point count surveys per USFWS protocols, as described in Section 2.4.2, to ensure raven depredation remains within the scope of the PEA’s effects analysis. This monitoring is classified as discretionary because the quantity of ravens lethally taken by the DoD installations would be documented and reported to the USFWS, Migratory Bird Program, as part of future depredation permits. The data generated by this reporting would be sufficient to ensure that raven take remains within the range estimated in this PEA and show that the raven population is collectively reduced as proposed in this PEA. DoD installations may decide to conduct such monitoring to help advance the state of current scientific knowledge and/or support compliance with the ESA for desert tortoise management.”

As with implementation of any management action, there should be a scientifically credible and statistically robust monitoring plan implemented to determine the effectiveness of the management actions. Monitoring should be mandatory; it should not be discretionary. Effectiveness monitoring is needed as a minimum to determine the change in raven numbers and densities and change in tortoise numbers and densities for various size classes. Without effectiveness monitoring, there is no mechanism to determine whether implementation of the Proposed Action is achieving the Purpose stated in the Purpose and Need section of the PEA. The Implemented management actions may be wasting money and personnel time. Please incorporate effectiveness monitoring as a *mandatory* requirement in the Final PEA.

Please explain in the Final PEA if short-term and/or long-term effectiveness monitoring would be conducted. For example, for short-term monitoring, the use of drones is proposed as a management action to chase flocks of ravens from DoD lands. However, this action may only move the impacts to nearby lands rather than reduce or eliminate it. For the tortoise, this may not be an effective management action as predation would still be occurring in the population, just in a different place. For long-term monitoring, because of the life history strategy of the Mojave desert tortoise (adult longevity with a long time to reach sexual maturity, low survival for hatchlings/juveniles, and iteroparity), an increase in tortoise numbers/densities from implementation of the management actions may not be evident for several years. Consequently, long-term monitoring is essential to determine whether the raven management actions are contributing to an increase in tortoise numbers/densities in the California desert.

Section 4.3.1 "Cumulative Impacts, Biological Resources:" The CEQ (1997) states "Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects." The analysis "must describe the response of the resource to this environmental change." Cumulative impact analysis should "address the sustainability of resources, ecosystems, and human communities."

The CEQ provides eight principles of cumulative impacts analysis (CEQ 1997, Table 1-2). These are:

1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.
The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.
Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.
Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.
For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.
Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.
Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

7. Cumulative effects may last for many years beyond the life of the action that caused the effects.
Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.
Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

This document is cited in the Draft PEA. However, we were unable to find the application of all eight of these principles with respect to the identified biological resources (i.e., Mojave desert tortoises, special status plant and wildlife species, etc.) in the cumulative impacts analysis.

Specifically, Table 4-2 "Summary of Cumulative Impacts" provides the following conclusions for biological resources under implementation of the Proposed Action:

- "Lethal removal of up to 11,830-13,293 ravens (roughly 4% of the statewide population of ravens in California).
- Little to no direct impacts on other wildlife species.
- Beneficial indirect impacts to populations of wildlife species currently affected by raven overpopulation"

We contend these summary conclusions need to be expanded as there would be both beneficial and adverse impacts to biological resources, and we found no analysis of the cumulative impacts to biological resources that are likely to occur in the project/action area. Please see our comments above regarding some of the indirect impacts that were not described/analyzed in the Draft PEA and the absence of considering listed/special status plants species. We request that the Final PEA include an analysis of cumulative impacts for the resource topics (e.g., biological resources) for the two alternatives rather than listing projects and making concluding statements. Biological resources should include special status plant species.

In "Appendix C – Human Health and Ecological Risk Assessment for DRC-1339 & Pesticide Product Labels," the Draft PEA provides the following information: "The acute oral median lethality values (LD50), and ocular and dermal irritation scores in rats indicates that DRC-1339 is moderately (Category II) toxic via the oral route and highly toxic (corrosive, Category I) when in contact with skin and eyes." "DRC-1339 is moderately to highly toxic to surrogate bird species representing upland game birds and waterfowl." "DRC-1339 toxicity data for reptiles and the terrestrial phase of amphibians does not appear to be available. In cases where data is [sic] lacking, USEPA assumes that avian toxicity data is [sic] representative of reptiles." "There are uncertainties in this assumption related to differences between the two taxa, but for this risk assessment DRC-1339 is considered moderately to highly toxic to reptiles when considering the range of sensitivities to 15 surrogate avian species."

Because of the implied toxicity of DRC-1339 to the tortoise and other wildlife species, we recommend that if it is used, it be delivered in a form (bait) and location that are not accessible by terrestrial species, the bait cannot be spilled by ravens or other avian species onto the ground (i.e., granular or seed application would not be used), and the bait would not be attractive in sufficient concentrations to take listed/special status bird species. This appendix notes that US EPA label restrictions for DRC-1339 say, "DO NOT apply in areas where the product may be consumed by Threatened or Endangered Species." Thus, it is imperative that the delivery mechanism of DRC-1339 not be in a form or location, either placed by humans or moved by wind, rain, or wildlife, that would be consumed by a tortoise or other listed/species status species. Also imperative is that appropriate monitoring be implemented to ensure that non-target wildlife species including the tortoise, Mohave ground squirrel, and other listed species, are not adversely impacted. Please add this monitoring commitment to the Final PEA.

Comments on the Proposed Finding of No Significant Impact (FONSI)

The Proposed FONSI should incorporate the Final PEA, not the Draft PEA, as changes may be made between the draft and final versions of the PEA based on new information and public comments on the Draft PEA.

The following wording is contained in the FONSI: "The Draft PEA analyses did not reveal any data gaps or uncertainties that could warrant further data collection or analysis." However, the Draft PEA contains language that speaks of data that are lacking or implied with respect to the impacts of raven predation on several wildlife species including the federally threatened Inyo California Towhee (*Pipilo crissalis eremophilus*), state threatened Mohave ground squirrel (*Xerospermophilus mohavensis*), and Mojave fringe-toed lizard (*Uma scoparia* – petitioned for listing to the USFWS in 2006). We suggest this sentence be omitted or reworded to accurately reflect the information in the Draft PEA.

We consider the following wording inaccurate: "Once implemented and maintained, non-lethal raven management actions, in conjunction with lethal management actions, will successfully serve the Purpose and Need of this PEA and will provide short-term and long-term beneficial effects to the desert tortoise and other wildlife species." As stated above, implementation and maintenance of lethal and non-lethal raven management actions would also have adverse impacts on the desert tortoise and other wildlife species. Please correct this wording in the FONSI.

We suggest adding "adults" to the following sentence, "This lethal removal of ravens will have more immediate beneficial impacts on desert tortoise hatchlings, juveniles, *and adults* because removal of ravens, especially those directly impacting desert tortoises, will reduce predation pressure on the species." Please see reference to Esque et al. (2010) in our comments above that documents raven predation on adult desert tortoises.

We suggest not using the word "significantly" and "restored" in the following sentence, "If the Proposed Action is successfully implemented, balance to the ecosystem will be significantly restored without changing the natural predator-prey dynamics." First, substantially more changes are needed to restore balance to the desert ecosystem in California than reducing common raven predation (e.g., human subsidies of other predators of the desert tortoise, managing invasive plant species, removing fuel loads, preventing wildfires, extreme and/or prolonged drought, climate change, etc.), so we do not believe the sentence is accurate. Second, by claiming implementation of the proposed action would significantly restore balance to the ecosystem, you are asserting this is a significant beneficial impact, which means an environmental impact statement should be prepared. Please rewrite this sentence to accurately reflect the impacts of the Proposed Action on predator-prey dynamics, which would be to move it toward its status prior to the introduction of human-provided subsidies for predators in the California desert.

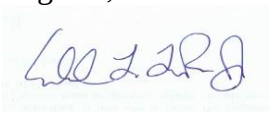
Summary of Comments

In summary, we strongly support the implementation and effectiveness monitoring of actions that will reduce the long-term decline of densities and numbers of the Mojave desert tortoise in the California desert and improve habitat conditions for the species. This includes reducing the elevated predation pressure by the common raven on the Mojave desert tortoise. However, the subject PEA should be strengthened to ensure that it fully complies with the implementing regulations for the National Environmental Policy Act (40 CFR 1500-1508) and thereby would withstand any legal challenges regarding its compliance. This is especially true for the Affected Environment section that appears to be missing a description of listed/special status plant species in the project/action area and has no/limited data on the status and trend of the listed/special status plant and animal species in the area of the Proposed Action. The Draft PEA appears to be weak or lacking in analyses of the Environmental Consequences section of how the Proposed Action would have both beneficial and adverse impacts on the tortoise and other wildlife species for direct, indirect, and cumulative impacts. We recommend these deficiencies be corrected in the Final PEA.

The Proposed FONSI should be updated to adopt the Final PEA, not the Draft PEA. If a FONSI is warranted, it should not use terms such as "significant" when describing the changes/impacts that would occur from implementing the Proposed Action.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to be identified as an Affected Interest for this and all other Marine and DoD projects that may affect species of desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we ask that you respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Regards,



Edward L. LaRue, Jr., M.S.
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[USFWS et al.] U.S. Fish and Wildlife Service, U.S. Department of Agriculture Wildlife Services Program, Edwards Air Force Base, Army National Training Center and Ft. Irwin, Marine Air Ground Task Force Training Command, Twentynine Palms Marine Corps Logistics Base, Naval Air Weapons Station - China Lake, Bureau of Land Management - California Desert District, and National Park Service - Mojave National Preserve and Joshua Tree National Park. 2008. Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise – Final Environmental Assessment, March 2008. Ventura Fish and Wildlife Office, Ventura, CA. https://www.fws.gov/carlsbad/PalmSprings/DesertTortoise/Raven%20EA%20Final%203-08.pdf